

Article - Environment

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§5–516.

(a) The Department shall give notice and hold any hearing related to orders imposed under the water appropriation and use provisions of this subtitle in accordance with the Administrative Procedure Act.

(b) (1) Within 10 days after being served with an order under § 5–515(a)(1) of this subtitle, the person served may request in writing a hearing before the Department.

(2) (i) Subject to subparagraph (ii) of this paragraph, if a request for a hearing on an order is made under this subsection, the Department shall:

1. Hold the hearing promptly after receiving the request; and

2. Render a decision promptly after the hearing.

(ii) If a request for a hearing on an order is made under this subsection and the Department alleges in the order that there is an imminent threat or danger to the public health or safety or to the environment, the Department shall:

1. Hold the hearing within 10 days after receiving the request; and

2. Render a decision within 10 days after the hearing.

(c) Within 10 days after being served with a notice under § 5–515(a)(2) of this subtitle, the person served may request in writing a hearing before the Department.

(d) The Department may make a verbatim record of the proceedings of any hearing held under this subtitle.

(e) (1) In connection with any hearing under this subtitle, the Department may:

(i) Subpoena any person or evidence; and

(ii) Order a witness to give evidence.

(2) A subpoenaed witness shall receive the same fees and mileage reimbursement as if the hearing were part of a civil action.

(3) If a person fails to comply with a subpoena or order issued under this subsection, on petition of the Department, a circuit court, by order, may:

(i) Compel obedience to the Department's order or subpoena;
or

(ii) Compel testimony or the production of evidence.

(4) The court may punish as contempt any failure to obey its order issued under this section.

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